

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY H. GRIFFIN,

Defendant.

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CASE NO. 8:07CR186

ORDER

This matter is before the Court on its own motion. On October 22, 2007, the Honorable F.A. Gossett filed a Magistrate Judge's Report and Recommendation recommending that the Defendant's motion to dismiss be denied. On November 8, 2007, at the request of the undersigned, a transcript of the evidentiary hearing on the motion was ordered. The Court will consider the Report and Recommendation within thirty (30) days after the filing of the transcript of the hearing before the Magistrate Judge. This time is excludable for speedy trial purposes. *United States v. Blankenship*, 67 F.3d 673, 676-77 (8th Cir. 1995) (citing *Henderson v. United States*, 476 U.S. 321, 330 (1986)).

IT IS ORDERED:

1. The Court will consider the Report and Recommendation (Filing No. 36) within thirty (30) days after the filing of the transcript of the hearing before the Magistrate Judge; and

2. The ends of justice have been served by excluding the relevant period from the speedy trial clock and outweigh the interests of the public and the Defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e. the time between November 21, 2007, and thirty (30) days after the filing of the transcript ordered at Filing No. 37 shall be deemed excludable time in any computation of time under

the requirement of the Speedy Trial Act for the reason that the undersigned requires a written transcript in order to fully consider the motion to dismiss. The failure to grant additional time could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(F) & (h)(8)(A) & (B).

DATED this 19th day of November, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge